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U.S. Department of Justice

United States Attorney Southern District of New York

The Silvio J. Mollo Building One Saint Andrew's Plaza New York, New York 10007

May 30, 2023

BY ECF

The Honorable Analisa Torres United States District Judge Southern District of New York 500 Pearl Street New York, New York 10007

Re: In re Search Warrant dated November 5, 2021, 21 Misc. 813 (AT)

Dear Judge Torres:

The Government respectfully submits this letter pursuant to the Court's order dated May 15, 2023 (Dkt. No. 134) to address the applicable standard of review regarding the December 7, 2021 opinion and order issued by the Honorable Sarah L. Cave, United States Magistrate Judge for the Southern District of New York. *See In re Search Warrant dated November 5, 2021*, No. 21 Misc. 813 (AT) (SLC), 2021 WL 5830728 (S.D.N.Y. Dec. 7, 2021).

Based on the Government's review of the relevant statutes, rules, and case law, there does not appear to be clear guidance provided with respect to the applicable standard of review in these particular circumstances. Accordingly, and out of an abundance of caution, the Government has no objection to this Court applying a *de novo* standard of review in this instance.

Respectfully submitted,

DAMIAN WILLIAMS United States Attorney

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Cc: Counsel of Record (by ECF)